

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

NANCY R. MALEK,

Defendants.

ORDER

06-cr-118-jcs

Defendant Nancy Malek has moved for modification of the restitution order imposed on her by the Honorable John C. Shabaz on August 23, 2006. Judge Shabaz directed defendant to make restitution payments in a minimum amount of \$1,000 a month. Defendant says that she is unable to afford such a payment, that she is unemployed and that she has limited resources available to make the court ordered payments.

Before submitting a motion for modification of her restitution payments, defendant should consult with her supervising probation officer. If the probation office believes that a modification would be warranted, he or she may submit a motion to that effect to the court. If the officer declines to do so, I will consider a motion filed by defendant herself. However, before I would modify the restitution obligation ordered by Judge Shabaz, I would

want to have a full statement of defendant's earnings, assets and liabilities. Furthermore, I would want to know what efforts defendant has made to find employment to supplement her pension payments.

Defendant embezzled a large sum of money and abused the trust placed in her by the doctors at Meriter Hospital. I am not inclined to relieve her of any obligation to make restitution payments without making sure that she has expended reasonable efforts to make the payments.

ORDER

IT IS ORDERED that defendant's motion to modify the court-ordered restitution imposed on her on August 23, 2006 is DENIED without prejudice.

Entered this 3rd day of June, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge